

# Washington Report



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## THE IRAN/CONTRA HEARINGS: QUESTIONS AND ANSWERS

The end of the public hearings phase of the Iran/Contra investigation is an appropriate time to respond to some of the most frequently asked questions about the hearings.

**WHY WERE THE HEARINGS HELD?** The hearings were held because in the course of the conduct of the government's business something went seriously wrong. Two policies led to the inquiry: The arms sales to Iran, and the diversion of funds from those sales to the Nicaraguan contras. The first began with a document the President forgot, and the second began without his knowledge. The President's decision to sell arms secretly to Iran contradicted the long-held, widely supported public policy of the United States to make no concessions to terrorists, to remain neutral in the Persian Gulf War, and to stop the flow of arms to Iran. By selling arms to a nation officially designated by our government as a terrorist state, major damage was done to U.S. credibility, and President Reagan was catapulted into the most serious policy crisis of his presidency.

**WHAT WAS THE CENTRAL ISSUE OF THE HEARINGS?** The central question before the House and Senate select committees has been: Can our constitutional system of shared powers between the Congress and the President be made to work in the formulation and implementation of foreign policy in a dangerous world?

**WHY DID THE COMMITTEES HOLD PUBLIC HEARINGS?** The committees were created to serve as fact-finding panels and to investigate process failures. The Congress gets information principally through holding hearings. Although the committees obtained large amounts of evidence through staff work and private depositions, open hearings were held to contribute to the public understanding of these events and the workings of our system of government. Extremely complex facts had to be analyzed and testimony drawn out of witnesses who often were uncooperative. Because the task of the committees was to inform rather than prosecute, strict courtroom rules of evidence did not apply, witnesses could be forced to testify if granted limited immunity, and witnesses could consult lawyers before answering questions.

**WHAT WERE THE MAJOR CONCLUSIONS OF THE HEARINGS?** The committees found no "smoking gun" evidence that President Reagan was involved in wrongdoing such as engaging in a cover-up or approving the diversion of arms sales money to the contras. They did show that he allowed his aides to carry out secret policies with little supervision. The hearings revealed several problems with the particular means chosen by the Administration to try to achieve its worthy goals of freeing the hostages and seeking democracy in Nicaragua: First, there was too little accountability for decisions and actions taken in the name of elected officials. A small number of officials made policy outside the democratic process. Second, there was too much secrecy and deception in government. Crucial information was withheld from the Congress, from important allies, and from the American people. The Secretaries of Defense and State, and even the President were not informed of major foreign policy initiatives, and were supplied misleading information. Third,

too often intelligence estimates were used as a tool to make policy look good, rather than as a tool for making good policy. Fourth, there was too much reliance on private citizens and foreign governments to carry out American policy. Fifth, covert actions should always be used to supplement, not to contradict, our foreign policy. They should not be used to impose a foreign policy that the American people do not support. Finally, the Constitution gives important foreign policy-making powers to both the President and the Congress. Our foreign policy cannot succeed unless they work together and trust one another.

**WHAT DID THE HEARINGS ACCOMPLISH?** I view the hearings as an essential part of the self-cleansing process of our system of government. Because of the hearings, we can see more clearly what needs to be done to make our system work better. I am encouraged by the President's steps so far, including changing White House personnel, prohibiting National Security Council members from undertaking covert actions, and promising to report covert actions to Congress promptly. Also encouraging is the cooperation shown between the President and the Congress in the recent Central American peace effort. The hearings should have a lasting impact on the decision-making process, acting as a deterrent to short-cutting the system. My guess is that it will be a long time before a national security advisor makes a major foreign policy decision without informing the President, as Admiral Poindexter did.

**WHAT KEY QUESTIONS REMAIN?** Among the unresolved questions are: Does the \$13 million in proceeds from the arms sales belong to the U.S. government or private businessmen? Was there a cover-up in November 1986 when these events began unraveling? What was the extent of third country involvement? What did the President really know? Why did he agree to sell arms to Iran? What created the climate in the White House that led aides to believe secrecy and short-cuts were permitted? What role did CIA director Casey play? The committees will not attempt to resolve all the contradictions in the testimony. The independent counsel appointed by President Reagan is deciding whether criminal actions should be brought against any of the participants. The CIA is investigating whether any of its employees violated the law.

**WILL THE COMMITTEES RECOMMEND LEGISLATION?** Overall, my sense is that the solution to the problems revealed in the hearings lies less in new structures or new laws than in proper attitudes. Although some recommendations will be made, the committees did not design their work to develop legislation. Fundamentally, what we have to do is to return to the constitutional and traditional ways of making decisions.

**HOW MUCH DID THE HEARINGS COST?** Although various efforts were taken to minimize costs, such as holding joint House-Senate hearings and borrowing committee and agency staff, the cost of the congressional investigation will be some \$4 million, including substantial costs for security. The committees have heard 250 hours of public testimony, and have examined well over 200,000 documents. The committees will complete their report by October, and then go out of existence.